

§ 5.8

- (c) The number denied, on which no appeal was made and the number denied on which an appeal was made; and
- (d) The number and status of any requests still pending.

§ 5.8 Approval of regulations.

The provisions of this part have been approved by the Director, Bureau of the Budget, pursuant to Executive Order 10604, of April 22, 1955.

PART 6—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

Sec.

- 6.1 Definitions.
- 6.2 Purpose and scope.
- 6.3 Limitation on *First Adjustments*.
- 6.4 Adjustments to penalties.
- 6.5 Effective date of adjustments.
- 6.6 Subsequent adjustments.

AUTHORITY: Sec. 4, as amended, and sec. 5, Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104-134, 110 Stat. 1321, 28 U.S.C. 2461 note.

SOURCE: 61 FR 55093, Oct. 24, 1996, unless otherwise noted.

§ 6.1 Definitions.

As used in this part:

- (a) *Inflation Adjustment Act* means the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, October 5, 1990, 104 Stat. 890, 28 U.S.C. 2461 note).
- (b) *Improvement Act* means the Debt Collection Improvement Act of 1996 (Public Law 104-134, April 26, 1996).
- (c) *Amended Section Four* means section 4 of the *Inflation Adjustment Act*, as amended by the *Improvement Act*.
- (d) *Section Five* means section 5 of the *Inflation Adjustment Act*.
- (e) *Department* means the Department of Commerce.
- (f) *Secretary* means the Secretary of the Department of Commerce.
- (g) *First Adjustments* means the inflation adjustments made by § 6.4 of this part which, as provided in § 6.5 of this part, are effective on October 23, 1996.

§ 6.2 Purpose and scope.

The purpose of this part is to make the inflation adjustment, described in *Section Five* and required by *Amended Section Four*, of each minimum and maximum civil monetary penalty pro-

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vided by law within the jurisdiction of the *Department*.

§ 6.3 Limitation on First Adjustments.

Each of the *First Adjustments* may not exceed ten percent (10%) of the respective penalty being adjusted.

§ 6.4 Adjustments to penalties.

The civil monetary penalties provided by law within the jurisdiction of the respective agencies or bureaus of the *Department*, as set forth below in this section, are hereby adjusted in accordance with the inflation adjustment procedures prescribed in *Section Five*, from the amounts of such penalties in effect prior to October 23, 1996, to the amounts of such penalties, as thus adjusted.

- (a) Bureau of Export Administration.

(1) 50 U.S.C. app. 2410(c), Export Administration Act,¹ Non-national security violation: from \$10,000 to \$11,000.

(2) 50 U.S.C. app. 2410(c), Export Administration Act¹ and Section 38 Arms Export Control Act, National security violation: from \$100,000 to \$110,000.

(3) 50 U.S.C. 1705(b), International Emergency Economic Powers Act, as invoked by E.O. 12924 (August 19, 1994) and E.O. 12938 (November 14, 1994), Export Administration Regulation violation: from \$10,000 to \$11,000.

- (b) Economic Development Administration.

(1) 19 U.S.C. 2349, Trade Act of 1974, False statement, etc.: from \$5,000 to \$5,500.

(2) 42 U.S.C. 3220(a), Public Works and Economic Development Act of 1965, False statement, etc.: from \$10,000 to \$11,000.

(3) 42 U.S.C. 3220(b), Public Works and Economic Development Act of 1965, Embezzlement, etc.: from \$10,000 to \$11,000.

- (c) Economics and Statistics Administration (ESA)/Census.

(1) 13 U.S.C. 304, Delinquency on delayed filing of export documentation: from \$100 per/day (up to \$1,000) to \$110 per/day (up to \$1,100).

(2) 13 U.S.C. 305, Collection of foreign trade statistics violations: from \$1,000 to \$1,100.

¹ See E.O. 12851 (June 11, 1993).

(d) ESA/Bureau of Economic Analysis.

(1) 22 U.S.C. 3105(a), International Investment and Trade in Services Act, Failure to furnish information: from a minimum of \$2,500 to \$2,750, and from a maximum of \$25,000 to \$27,500.

(2) [Reserved]

(e) Import Administration.

(1) 19 U.S.C. 81s, Foreign Trade Zone violation: from \$1,000 to \$1,100.

(2) 19 U.S.C. 1677f(f)(4), North American Free Trade Agreement Protective Order violation: from \$100,000 to \$110,000.

(f) National Oceanic and Atmospheric Administration.

(1) 15 U.S.C. 5623, Land Remote Sensing Policy Act of 1992 violation: from \$10,000 to \$10,900.

(2) 15 U.S.C. 5658, Land Remote Sensing Policy Act of 1992 violation: from \$10,000 to \$10,900.

(3) 16 U.S.C. 773f(3), Northern Pacific Halibut Act of 1982 violation: from \$25,000 to \$27,500.

(4) 16 U.S.C. 783, Sponge Act (1914), Violation involving catching or taking within specific areas: from \$500 to \$550.

(5) 16 U.S.C. 957, Tuna Convention Act of 1950 (1962):

(i) Violation of §957(a) [Fine at §957(d)]: from \$25,000 to \$27,500.

(A) Subsequent violation of section 957(a) [Fine at §957(d)]: from \$50,000 to \$55,000.

(B) [Reserved]

(ii) Violation of section 957(b) [Fine at section 957(e)]: from \$1,000 to \$1,100.

(A) Subsequent violation of §957(b) [Fine at §957(e)]: from \$5,000 to \$5,500.

(B) [Reserved]

(iii) Violation of section 957(c) [Fine at section 957(f)]: from \$100,000 to \$110,000.

(6) 16 U.S.C. 971e(e), Atlantic Tunas Convention Act of 1975 (1995) violation: from \$100,000 to \$100,000.

(7) 16 U.S.C. 972f(b), Eastern Pacific Tuna Licensing Act of 1984:

(i) Violation of section 972f(a)(1)–(3): from \$25,000 to \$27,500.

(A) Subsequent violation of §972f(a)(1)–(3): from \$50,000 to \$55,000.

(B) [Reserved]

(ii) Violation of section 972f(a)(4)–(5): from \$5,000 to \$5,500.

(A) Subsequent violation of §972f(a)(4)–(5): from \$5,000 to \$5,500.

(B) [Reserved]

(iii) Violation of section 972f(a)(6): from \$100,000 to \$110,000.

(8) 16 U.S.C. 973f(a), South Pacific Tuna Act of 1988 violation: from \$250,000 to \$275,000.

(9) 16 U.S.C. 1375(a)(1), Marine Mammal Protection Act of 1972:

(i) Violation: from \$10,000 to \$11,000.

(ii) Knowing violation (1981): from \$20,000 to \$22,000.

(10) 16 U.S.C. 1437(c)(1), National Marine Sanctuaries Act (1992) violation: from \$100,000 to \$109,000.

(11) 16 U.S.C. 1540(a)(1), Endangered Species Act of 1973:

(i) Knowing violations or engaged in business of section 1538 (a)(1)(A), (B), (C), (D), (E), or (F), (a)(2)(A), (B), (C), or (D), (c), (d) (other than recordkeeping or filing reports), (f), or (g) (1988): from \$25,000 to \$27,500.

(ii) Other knowing or business-related violations (1988): from \$12,000 to \$13,200.

(iii) Otherwise (1978): from \$500 to \$550.

(12) 16 U.S.C. 1851 Note (Sec.5)(c)(1), Atlantic Striped Bass Conservation Act (1984) violation: from \$1,000 to \$1,100.

(13) 16 U.S.C. 1858, Magnuson Fishery Conservation and Management Act (1990): from \$100,000 to \$110,000.

(14) 16 U.S.C. 2437(a)(1), Antarctic Marine Living Resources Convention Act (1984):

(i) Knowing violation: from \$10,000 to \$11,000.

(ii) Violation: from \$5,000 to \$5,500.

(15) 16 U.S.C. 3373(a), Lacey Act Amendments of 1981:

(i) Violations involving possession, sale, or transport of fish/plants/wildlife (1981): from \$10,000 to \$11,000.

(ii) Marking violations of fish/plant/wildlife (1981): from \$250 to \$275.

(iii) False labeling/knowingly (1988): from \$10,000 to \$11,000.

(16) 16 U.S.C. 3606, Atlantic Salmon Convention Act of 1982 (1990): from \$100,000 to \$110,000.

(17) 16 U.S.C. 3637, Pacific Salmon Treaty Act of 1985 (1990): from \$100,000 to \$110,000.

(18) 30 U.S.C. 1462(a), Deep Seabed Hard Mineral Resources Act (1980): from \$25,000 to \$27,500.

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(19) 42 U.S.C. 9152(c)(1), Ocean Thermal Energy Conversion Act of 1980: from \$25,000 to \$27,500.

§ 6.5 Effective date of adjustments.

The *First Adjustments* made by § 6.4 of this part, of the penalties there specified, are effective on October 23, 1996, and said penalties, as thus adjusted by the *First Adjustments* made by § 6.4 of this part, shall apply only to violations occurring after October 23, 1996, and before the effective date of any future inflation adjustment thereto made subsequent to October 23, 1996, as provided in § 6.6 of this part. The penalties specified in § 6.4 of this part which became effective prior to October 23, 1996, shall, without any *First Adjustments* thereto, apply only to violations occurring before October 24, 1996.

§ 6.6 Subsequent adjustments.

The *Secretary or his or her designee* by regulation shall, at least once every four years after October 23, 1996, make the inflation adjustment, described in *Section Five* and required by *Amended Section Four*, of each civil monetary penalty provided by law and within the jurisdiction of the *Department*.

PART 7—[RESERVED]

PART 8—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS OF THE DEPARTMENT OF COMMERCE—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Subpart A—General Provisions; Prohibitions: Nondiscrimination Clause; Applicability to Programs

Sec.

- 8.1 Purpose.
- 8.2 Application of this part.
- 8.3 Definitions.
- 8.4 Discrimination prohibited.
- 8.5 Nondiscrimination clause.
- 8.6 Applicability of this part to Department assisted programs.

Subpart B—General Compliance

- 8.7 Cooperation, compliance reports and reviews and access to records.
- 8.8 Complaints.
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ited.

- 8.10 Investigations.
- 8.11 Procedures for effecting compliance.
- 8.12 Hearings.
- 8.13 Decisions and notices.
- 8.14 Judicial review.
- 8.15 Effect on other laws; supplementary instructions; coordination.

APPENDIX A TO PART 8—PROGRAMS COVERED BY TITLE VI

AUTHORITY: Sec. 602, Civil Rights Act of 1964 (42 U.S.C. 2000d-1).

SOURCE: 38 FR 17938, July 5, 1973, unless otherwise noted.

Subpart A—General Provisions; Prohibitions: Nondiscrimination Clause; Applicability to Programs

§ 8.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the “Act”) to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program receiving Federal financial assistance from the Department of Commerce. This part is consistent with achievement of the objectives of the statutes authorizing the financial assistance given by the Department of Commerce as provided in section 602 of the Act.

§ 8.2 Application of this part.

(a) This part applies to any program for which Federal financial assistance is authorized under a law administered by the Department, including the federally assisted programs listed in Appendix A to this part and as said Appendix may be amended. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after January 9, 1965, pursuant to an application approved prior to such effective date.

(b) This part does not apply to (1) any Federal financial assistance by way of insurance or guaranty contracts, (2) money paid, property transferred, or other assistance extended under any such program before January 9, 1965,